

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH

In re: ANTHONY FRED PADILLA AND LORRAINE SANCHEZ PADILLA
Bankruptcy Number: 21-24360

NOTICE OF CHAPTER 13 TRUSTEE'S MOTION TO DISMISS AND NOTICE OF DEADLINE TO
OBJECT AND TO SET OBJECTION FOR A HEARING

Objection Deadline: **October 03, 2022**

PLEASE TAKE NOTICE that the Chapter 13 Trustee has filed with the United States Bankruptcy Court for the District of Utah a motion to dismiss your bankruptcy case for failure to comply with the terms of the court's confirmation order. This includes the possibility that the court will dismiss your case with prejudice, meaning that you will not be able to file another bankruptcy petition for 180 days (see 11 U.S.C. § 109(g)).

YOUR RIGHTS MAY BE AFFECTED. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to dismiss your Chapter 13 case, then you **must** take the following three (3) actions:

1. On or before **October 03, 2022** (the "Objection Deadline") you or your lawyer must file with the Bankruptcy Court a written objection to the Trustee's motion explaining why your bankruptcy case should not be dismissed. If you do not have access to the court's electronic filing system ("ECF"), you can hand-deliver or mail your objection to the following address: (if you mail your objection, it must be received by the court on or before the Objection Deadline):

United States Bankruptcy Court
350 South Main Street, Room 301
Salt Lake City, UT 84101

2. On or before the Objection Deadline, and after filing your objection, you must contact the Bankruptcy Court to reserve a hearing date and time when your objection will be considered by the Bankruptcy Judge.

3. On or before the Objection Deadline, and after reserving your court hearing date, you must also file a notice of hearing with the Bankruptcy Court, which notice will be served electronically on the Trustee (you do not need to mail a copy to the Trustee).

If you or your attorney do not complete **all three of these actions**, the Bankruptcy Court may decide that you do not oppose the Trustee's motion to dismiss and may enter an order granting that relief without further notice or hearing.

Lon A. Jenkins (4060)
Tami Gadd (12517)
MaryAnn Bride (13146)
Katherine T. Kang (14457)
OFFICE OF THE CHAPTER 13 TRUSTEE
465 South 400 East, Suite 200
Salt Lake City, Utah 84111
Telephone: (801) 596-2884
Facsimile: (801) 596-2898
Email: utahtrusteemail@ch13ut.org

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH**

IN RE:
ANTHONY FRED PADILLA
LORRAINE SANCHEZ PADILLA

Debtors

CASE NO: 21-24360

Chapter 13

Hon. KEVIN R. ANDERSON

**TRUSTEE'S MOTION TO DISMISS FOR FAILURE TO SUBMIT
2021 TAX RETURNS/REFUNDS**

The Standing Chapter 13 Trustee in the above-captioned case, hereby moves this Court for the entry of an Order dismissing this case under 11 U.S.C. § 1307(c)(6) because the Debtors have failed to comply with the confirmation order regarding the requirement to provide the Trustee with copies of their tax returns and to pay the plan tax refunds. In support thereof, the Trustee represents as follows:

1. Pursuant to the Confirmation Order, the Debtors are required by April 30th of each year to provide the Trustee with copies of the first two pages of their state and federal tax returns. They are also required by June 30th of each such qualifying year to pay into the Chapter 13 plan all tax refunds pursuant to the Confirmation Order.
2. As of the date of this Motion, the Debtors have failed to comply with these requirements, and they have not filed a Motion for court approval to be excused from such requirements and/or to retain such refunds.
3. The Trustee will consider withdrawing this Motion if by **October 03, 2022**, he receives both the tax returns and the payment of net tax refunds in excess of the amount the Debtors are allowed to retain pursuant to the Confirmation Order.
4. On or before **October 03, 2022**, you must complete all three (3) of the following actions in response to this motion or your case may be administratively dismissed without further notice or hearing: (a) file with the

Bankruptcy Court a written objection to this motion; (b) reserve a hearing date and time with the Bankruptcy Court when your objection will be heard; and (c) file with the Bankruptcy Court a notice of hearing on your objection.

5. Sufficient notice of the resulting Order of Dismissal will be provided to all parties-in-interest pursuant to Fed.R.Bankr.P. 2002(f).

WHEREFORE, the Trustee requests the dismissal of this case under 11 U.S.C. § 1307.

DATED: 09/08/2022

LAJ /S/
LON A. JENKINS
CHAPTER 13 TRUSTEE

CERTIFICATE OF MAILING

The undersigned hereby certifies that true and correct copy of the foregoing Trustee's Motion to Dismiss was served upon all persons entitled to receive notice in this case via ECF notification or by U.S. Mail to the following parties on September 08, 2022:

ANTHONY FRED PADILLA & LORRAINE SANCHEZ PADILLA, 6098 SOUTH CUB DRIVE, SALT LAKE CITY, UT 84129
MICHAEL J. WATTON, ECF Notification

/S/ Michelle Moses